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In re Application of MIZONE et al
U.S. Application No.: 10/030,448
Int. Application No.: PCT/JP00/06884
Int. Filing Date: 03 October 2000
Priority Date: 04 October 1999
Attorney Docket No.: Y-190
For: LOUDSPEAKER

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 02 January 2002.

BACKGROUND

On 03 October 2000, applicant filed international application PCT/JP00/06884, which claimed priority of an earlier Japan application filed 04 October 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 12 April 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 04 June 2001.

International application PCT/JP00/06884 became abandoned as to the United States at midnight on 04 June 2001 for failure to pay the basic national fee.

On 02 January 2002, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that abandonment of the application was unintentional.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.


With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application has an international filing date of 03 October 2000 and a date under 35 U.S.C. 371 of 02 January 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.


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